

Overview

This guide, prepared by the Federal Trade Commission (FTC), is intended to assist attorneys counseling identity theft victims. It explains the common types of identity theft, their impact on clients, and the tools available for restoring victims to their pre-crime status. Specifically, this guide highlights the rights and remedies available to identity theft victims under federal laws, most notably the Fair Credit Reporting Act (FCRA), the Fair Credit Billing Act (FCBA), the Fair Debt Collection Practices Act (FDCPA), and the Electronic Funds Transfer Act (EFTA). This guide also includes information and materials published by other organizations that address less common, more complex, and emerging forms of identity theft such as medical or employment related identity theft. To help you quickly navigate your way through the guide, the subject matter of each Section is described below.

Section I outlines issues to consider when working with your client and explains the steps your client will need to take throughout the recovery process.

Section II describes the primary tools available to victims for recovering from identity theft.

Section III describes specific laws that help victims resolve account-related identity theft with credit reporting agencies, creditors, debt collectors, and other institutions.

Section IV describes less common types of identity theft, such as medical, income tax, criminal and student loan-related identity theft. Note: some of the materials in this section were prepared by the organizations cited, not the FTC. You should contact those organizations directly with questions and for any updates.

Appendix A provides a glossary of terms that describes various types of identity theft, and fact sheets describing victims' rights and resources, found primarily in the FCRA, that help identity theft victims recover.

Appendix B provides a list of questions you can use during your intake interview, and checklists that you can use to guide your client through the procedures required to exercise recovery rights under the laws mentioned above.

Appendix C includes sample letters that victims can use to assert their rights under the provisions described in Section III and sample attorney follow-up letters to use if the victim has difficulties obtaining relief. The sample letters use a common format that can be tailored to the facts of your client's case. You may choose to address multiple issues in a single letter. The letters in this guide are confined to resolving problems arising from the identity theft and do not address any possible legal remedies, including private law suits.

Appendix D contains educational guides for identity theft victims, primarily from the FTC. You may want to keep a supply on hand for victims after their initial screening phone call, or following the intake interview. You can place bulk orders for most of these materials from the FTC's web site at bulkorder.ftc.gov. The FTC provides these materials free of charge.

Appendix E contains the federal statutes and regulations referenced in this guide, as well as printable versions of relevant sections that you or your client may want to include as attachments to your letters. In all cases, you should consider any applicable state laws that may afford additional rights, or specify additional procedures for identity theft victims.